



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:  
Borje S. Andersson

Serial No.: 09/415,890

Filed: October 8, 1999

For: PHARMACOLOGICALLY  
ACCEPTABLE SOLVENT VEHICLES

Group Art Unit: 1616

Examiner: Neil Levy

Atty. Dkt. No.: UTXC:528--1/DLP

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:	
February 5, 2003	
Date	Priya D. Subramony

**I. AMENDMENT; II. RESPONSE TO RESTRICTION REQUIREMENT; & III. RESPONSE TO SPECIES ELECTION REQUIREMENT DATED JANUARY 6, 2003**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted in Response to the Restriction Requirement and Species Election Requirement dated January 6, 2003. The due date for this response is 30 days from the date of the Action which is up till and including February 5, 2003. No fees are believed due with this response. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed required for any reason pertaining to this paper, consider this paragraph a request and authorization to withdraw the appropriate fee from Fulbright & Jaworski Deposit Account No. 50-1212/UTXC:528--1/DLP.

## I. AMENDMENT

Please add claims 109-149 as follows:

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109. (new) The method of claim 93, wherein said aprotic solvent comprises N,N-dimethylacetamide, castor oil, dimethylsulfoxide, 1,2,-propylene-diol, glycerol or polyethylene glycol-400.

110. (new) The method of claim 109, wherein said aprotic solvent comprises N,N-dimethylacetamide.

111. (new) The method of claim 109, wherein said aprotic solvent comprises castor oil.

112. (new) The method of claim 109, wherein said aprotic solvent comprises dimethylsulfoxide.

113. (new) The method of claim 109, wherein said aprotic solvent comprises 1,2,-propylene-diol.

114. (new) The method of claim 109, wherein said aprotic solvent comprises glycerol.

115. (new) The method of claim 109, wherein said aprotic solvent comprises polyethylene glycol-400.

Sub A1  
116. (new) ~~The method of claim 93, wherein said secondary solvent comprises aqueous lipid emulsion, water, saline solution, dextrose solution, glacial acetic acid, or lipid solution.~~

117. (new) The method of claim 116, wherein said secondary solvent comprises an aqueous lipid emulsion.

Elmt  
118. (new) The method of claim 117, wherein said aqueous lipid emulsion comprises emulsified fat particles of about 0.4 micron in diameter.

119. (new) The method of claim 117, wherein said aqueous lipid emulsion comprises an aqueous soy bean lipid emulsion.

120. (new) The method of claim 119, wherein said aqueous soy bean lipid emulsion comprises soy bean oil, lecithin, glycerin and water.


121. (new) The method of claim 117, wherein said aqueous lipid emulsion comprises a lipid component that includes at least one vegetable oil and at least one fatty acid.

122. (new) The method of claim 121, wherein said lipid component comprises at least about 5% by weight soybean oil and at least about 50% by weight fatty acids.

123. (new) The method of claim 116, wherein said secondary solvent comprises water.

124. (new) The method of claim 116, wherein said secondary solvent comprises saline solution.

125. (new) The method of claim 116, wherein said secondary solvent comprises dextrose solution.

 126. (new) The method of claim 125, wherein said dextrose solution comprises 5% to 70% dextrose in water.

127. (new) The method of claim 126, wherein said dextrose solution comprises 5% or 10% dextrose solution.

128. (new) The method of claim 116, wherein said secondary solvent comprises glacial acetic acid.

129. (new) The method of claim 93, wherein said secondary solvent comprises a lipid solution.

130. (new) The method of claim 93, wherein said secondary solvent comprises a parenteral infusion fluid.

131. (new) The method of claim 93, wherein said solvent vehicle comprises anhydrous N,N-dimethylacetamide and polyethylene glycol-400.

132. (new) The method of claim 93, wherein said solvent vehicle comprises glacial acetic acid and polyethylene glycol-400.

*Sub F*  
~~133. (new) The method of claim 93, wherein said solvent vehicle comprises anhydrous N,N-dimethylacetamide and aqueous lipid.~~

*Est*  
134. (new) The method of claim 133, wherein said aqueous lipid is an aqueous soy bean lipid emulsion comprising soy bean oil, lecithin, glycerin and water.

135. (new) The method of claim 134, wherein said solvent vehicle comprises anhydrous N,N,-dimethylacetamide and an aqueous soy bean lipid emulsion comprising soy bean oil, lecithin, glycerin and water in a 1:10 volume ratio.

136. (new) The method of claim 134, wherein said solvent vehicle comprises anhydrous N,N,-dimethylacetamide diluted with 9 volumes 20% of an aqueous soy bean lipid emulsion comprising soy bean oil, lecithin, glycerin and water.

137. (new) The method of claim 134, wherein said solvent vehicle further comprises normal saline or 5% dextrose solution.

138. (new) The method of claim 93, wherein said solvent vehicle comprises anhydrous N,N-dimethylacetamide, polyethylene glycol-400 and 1,2-propylene diol.

139. (new) The method of claim 93, wherein said solvent vehicle comprises anhydrous N,N-dimethylacetamide, polyethylene glycol-400, 1,2-propylene diol and dimethylsulfoxide.

140. (new) The solvent vehicle of claim 139, wherein said solvent vehicle comprises anhydrous N,N,-dimethylacetamide, polyethylene glycol-400, 1,2-propylene diol and dimethylsulfoxide in equal volume ratios.

*Ex  
cont  
Subst*  
~~141. (new) The method of claim 93, wherein said vehicle comprises glacial acetic acid, and wherein said vehicle further comprises anhydrous N,N,-dimethylacetamide, dimethylsulfoxide or an aqueous soy bean lipid emulsion comprising soy bean oil, lecithin, glycerin and water.~~

~~142. (new) The method of claim 93, wherein said solvent vehicle comprises glacial acetic acid, dimethylsulfoxide and an aqueous soy bean lipid emulsion comprising soy bean oil, lecithin, glycerin and water.~~

143. (new) The method of claim 142, wherein said solvent vehicle comprises glacial acetic acid, dimethylsulfoxide, and an aqueous soy bean lipid emulsion comprising soy bean oil, lecithin, glycerin and water in a 2:6:3 volume ratio.

144. (new) The method of claim 98, wherein said pharmaceutically acceptable aqueous solution comprises water.

145. (new) The method of claim 98, wherein said pharmaceutically acceptable aqueous solution comprises saline solution.

146. (new) The method of claim 98, wherein said pharmaceutically acceptable aqueous solution comprises dextrose solution.

147. (new) The method of claim 146, wherein said dextrose solution comprises 5% to 70% dextrose in water.

148. (new) The method of claim 147, wherein said dextrose solution comprises 5% or 10% dextrose solution.

149. (new) The method of claim 98, wherein said secondary solvent comprises a parenteral infusion fluid.

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#### **A. Status of Claims**

Claims 26-48, 50-68, and 81-108 were pending in the instant application. Claims 109-149 have been added by the present amendment and are dependent on claim 93. Pursuant to the present restriction requirement, claims 93-99 and 106-108 as well as 109-149, which are the claims directed to methods of preparing solvent vehicles, have been elected as set forth below. Therefore, claims 93-99, 106-149 are presently pending. **Appendix A**, attached hereto, contains an indicia of the present claim amendments and **Appendix B**, attached hereto, contains a list of the presently pending claims.